



## **DISTRICT COURT OF WESTERN AUSTRALIA**

### **NOTICE TO PRACTITIONERS**

#### **Amendments to the District Court Rules and Circulars to Practitioners**

##### **Introduction of Abuse Claims List**

#### Amendments to the District Court Rules 2005 (DCR)

On 21 December 2023, the District Court Amendment Rules 2023 were made and published, and those amendments will take effect from 15 January 2024.

Notable changes include that:

- a) a form for appeals against the decision of a registrar is prescribed (DCR r 15; Form 6A);
- b) registrars may make orders at mediation conferences giving effect to mediated outcomes, including outcomes that do not finally dispose of the action (DCR r 35AA);
- c) full certificates of counsel must always be filed before a listing conference, and the requirements for pleadings certificates are broadened (DCR r 43);
- d) an addressee may comply with a subpoena to produce documents by uploading them in electronic format via the ECMS (DCR r 48AD) – in line with this amendment, from 15 January 2024, there will be ECMS functionality facilitating the production of documents in answer to a subpoena (and guidance to addressees on the use of that functionality will be published); and
- e) all persons having access to subpoenaed materials are subject to an obligation of non-disclosure of the kind that attaches to discovery (DCR r 48AI).

#### Abuse Claims List

Further, following consultation with members of the profession, the District Court is introducing a dedicated case management list for historical child sexual abuse claims and claims under the National Redress Scheme (collectively, 'abuse claims').

Re-issue of Circulars to Practitioners

In line with those developments, the Circulars to Practitioners are to be re-issued, the substantive changes to which include:

- a) updated guidance reflecting the DCR amendments;
- b) practices and objectives relevant to the introduction of the abuse claims list;  
and
- c) reviewed and refined Usual Orders.

Dated 9 January 2023



Her Honour Judge Julie Wager  
Chief Judge of the District Court



Dr Brenda McGivern  
Principal Registrar of the District Court